

EXHIBIT A

**U.S. Department of Justice**

United States Attorney
District of New Jersey
Civil Division

VIKAS KHANNA
ACTING UNITED STATES ATTORNEY

John F. Basiak Jr.
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January 16, 2025

Via E-Mail

Alison Brill

Assistant Federal Public Defender

Office of the Federal Public Defender, District of New Jersey

800 Cooper Street #350

Camden, NJ 08102

Re: *Romano v. Warden*, No. 23-cv-02919
Fourth Production of Documents

Dear Ms. Brill:

Enclosed is Respondent's fourth production of documents. These documents are Bates stamped USA000478-487. Please let me know if you have any questions or concerns.

VIKAS KHANNA
Acting United States Attorney

By: /s/ John F. Basiak Jr. _____
JOHN F. BASIAK JR.
Assistant United States Attorney
Attorneys for Respondent

**U.S. Department of Justice***United States Attorney
District of Maryland*

Erek L. Barron.
United States Attorney
Erek.Barron@usdoj.gov

Suite 400
36 S. Charles Street
Baltimore, MD 21201-3119

DIRECT: 410-209-4807
MAIN: 410-209-4800
FAX: 410-962-3124

July 20, 2023

Christopher Gomez, Regional Director
Mid-Atlantic Region
U.S. Department of Justice
Federal Bureau of Prisons
302 Sentinel Drive, Suite 200
Annapolis Junction, Maryland 20701

Michael D. Frazier, Regional Counsel
Mid-Atlantic Region
U.S. Department of Justice
Federal Bureau of Prisons
302 Sentinel Drive, Suite 200
Annapolis Junction, Maryland 20701

**Re: Federal Inmate Richard A. Wilford
Register No. 28670-037**

Dear Messrs. Gomez and Frazier:

On June 20, 2023, the United States Attorney's Office for the District of Maryland learned that federal inmate Richard Wilford, register no. 28670-037, was released by the Bureau of Prisons ("BOP") to home confinement under the CARES Act on June 15, 2023. The BOP's Institutional Referral to CCC Placement Form is attached. We respectfully request that the BOP reconsider this decision because (1) Wilford was not eligible under BOP regulations to be transferred to home confinement release at the time of the referral by the BOP; (2) our Office was not consulted prior to release, and therefore we were not afforded the opportunity to provide the proper context for this decision; and (3) because Wilford remains a danger to the Baltimore community based on the facts and circumstances of Wilford's prosecution and conviction, and his status as a recidivist large-scale drug trafficker.

Wilford was not Eligible for CARES Act Relief at the Time of Referral for Release

It is our understanding that Wilford was granted relief under the CARES Act in early May 2023, by BOP officials at FCI Terminal Island, the facility where Wilford was last housed. Based on information received from the Bureau of Prisons, Wilford (age 50; DOB: 12/18 [REDACTED]) had

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served only 49.8% of his 280-month¹ sentence, which is below the criteria set forth in the CARES Act. The officials at FCI Terminal Island were aware that Wilford did not meet the full requirements of the CARES Act and requested an exception to the guidelines. The United States Attorney's Office for the District of Maryland, where Wilford was prosecuted, convicted and sentenced, was not consulted about the referral for Wilford's release to home confinement and, therefore, was not able to provide information about the facts of Wilford's conviction and the danger posed to the community by Wilford's return to the Baltimore community.

Moreover, Wilford's release to home confinement came at the end of the COVID-19 pandemic national emergency when there was no danger to Wilford's health. In response to the COVID-19 global pandemic, the Attorney General of the United States issued a Memorandum to the Director of the Bureau of Prisons on March 26, 2020, instructing the Director to transfer BOP inmates to home confinement where appropriate to protect an inmate's health due to the COVID-19. On April 10, 2023, President of the United States Joseph Biden signed a bill ending the COVID-19 national emergency. The CARES Act defines "covered emergency period" as "the period beginning on the date on which the President declared a national emergency under the National Emergencies Act (50 U.S.C. § 1601 *et seq.*) with respect to the Coronavirus Disease 2019 (COVID-19) and ending on the date that is 30 days after the date on which the national emergency declaration terminates." Wilford's referral to home confinement was signed by the Warden of FCI Terminal Island on May 9, 2023 - approximately one day before CARES Act relief formally expired.

Wilford was a Large-Scale Drug Trafficker who Remains a Danger to the Community

The Attorney General's March 26, 2020, Memorandum indicates that one of the factors to be considered is the inmate's crime of conviction and the danger posed by the inmate to the community. Wilford is a **three-time federally-convicted drug trafficker** who was responsible for trafficking hundreds of kilograms of narcotics into the Baltimore metropolitan area.

Wilford's felony criminal convictions

Wilford is a long-time drug trafficker who has amassed three federal felony convictions and one Maryland conviction for drug trafficking:

- 1992 – Conspiracy to Distribute Cocaine, U.S. District Court for the District of Maryland, Criminal No. JFM-92-0116. Wilford was sentenced to 60 months' imprisonment, followed by five years of supervised release.

¹ As discussed more fully below, Wilford was initially sentenced to 340 months' imprisonment in August 2014. On July 1, 2022, United States District Judge Ellen L. Hollander issued a Memorandum, granting, in part, Wilford's motion for compassionate release and reducing his sentence by 60 months. See *United States v. Richard Wilford*, 2022 WL 2392237, *50 (D. Md., July 1, 2022).

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Wilford was released from custody on June 4, 1997, and his term of supervision expired on June 3, 2002. At the time of his arrest, Wilford was 19 years old.

- 2001 – Distribution of Heroin, U.S. District Court for the District of Maryland, Criminal No. MJG-01-0399. Wilford was sentenced to 24 months' imprisonment, followed by four years of supervised release. Wilford was released from custody on June 3, 2005. A warrant was issued for violation of supervised release on May 27, 2009, but the violation petition was later withdrawn. At the time of his arrest, Wilford was 28 years old.
- 2009 – Conspiracy to Possess with Intent to Distribute, Circuit Court for Baltimore County, Maryland, case no. 03K09000782. Wilford was sentenced to a sentence of probation. Wilford was 36 years old at the time of his arrest.
- 2013 – Conspiracy to Distribute and Possess with Intent to Distribute Cocaine, U.S. District Court for the District of Maryland, criminal no. ELH-11-0258. Wilford was sentenced to 380 months' imprisonment on August 7, 2014 (later reduced to 320 months' on July 1, 2022), followed by ten years of supervised release. At the time of his arrest on September 16, 2011, Wilford was 39 years old.

Based on Wilford's criminal history, it is clear that Wilford spent the majority of his adult life trafficking and dealing illegal narcotics.

Facts of Conviction of Current Sentence

The investigation of Wilford's co-conspirator, Lawrence Lee Hayes, Jr., commenced in late August/early September 2010. During the investigation, agents from the Drug Enforcement Administration observed Wilford meet with Hayes and other co-conspirators frequently in and around Baltimore City, and Wilford would provide Hayes and others with large cardboard boxes, later determined to be filled with large quantities of cocaine. Wilford was determined to be one of the primary sources of supply of cocaine to the Hayes drug trafficking organization.

During the investigation, law enforcement agents learned that Wilford was receiving large quantities of cocaine from California in exchange for large sums of U.S. currency. Specifically, Wilford was shipping money in hollowed-out DVD/VCR players. Agents seized one of the boxes shipped by Wilford containing a hollowed-out DVD/VCR and discovered \$100,000 in U.S. currency hidden inside of the DVD/VCR player.

In April and May 2011, Wilford was observed at a residence located in Baltimore County,

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Maryland. During one of those occasions, Wilford was observed leaving the residence with a large duffel bag. Wilford was followed to a bank, where he made a cash deposit. At the conclusion of the investigation, the residence was searched, resulting in the seizure of \$1.6 million in U.S. currency, indicating that Wilford was a major drug kingpin and source of supply of cocaine to the Hayes drug trafficking organization.

In addition, a residence in Baltimore City owned by Wilford, 1500 Cliftview Avenue,² was searched and a hollowed-out computer shell, a large cardboard box, and a mold for forming kilograms of narcotics were seized. The box was the same size as the boxes exchanged previously between Wilford and Hayes. A shipment of cocaine destined to Wilford's 1500 Cliftview address was also intercepted and seized on May 20, 2011. Kilograms of cocaine were concealed inside of a hollow computer shell and the shipping box was the same size as the boxes exchanged previously between Wilford and Hayes. Moreover, UPS shipping records revealed that in 2010-2011, twenty-five (25) shipments of cocaine were made to Wilford's Baltimore City residence and another residence associated with Wilford. Testimony at Wilford's trial in December 2013, indicated that that between November 2010 and May 2011, approximately nine (9) hollowed-out computer shells and their respective shipping boxes were removed from Wilford's Baltimore City residence. The boxes were the same size as the boxes exchanged previously between Wilford and Hayes.

In May 2011, Wilford fled to Los Angeles, California and could not be arrested. In August 2011, a federal law enforcement agent attempted to arrest Wilford, but Wilford was able to escape from the law enforcement agent. The investigation revealed that Wilford had rented an apartment in Los Angeles under a fake name. A search of Wilford's Los Angeles apartment and vehicle resulted in the seizure of approximately \$68,000 in U.S. currency and fake IDs.

Wilford was arrested on September 16, 2011, at a secret apartment located in Baltimore City, Maryland. Approximately \$189,000 in U.S. currency, 14 cell phones, and a fake ID were seized from Wilford's apartment and vehicle.

After extensive motions practice and pretrial litigation, Wilford's trial commenced in December 2013. Wilford's counsel attempted to call Wilford's associate, Mr. Lenzie Johnson, as a character witness. It was determined that a portion of Mr. Johnson's testimony would be false, so the defense chose not to call Mr. Johnson as a witness. In addition, law enforcement agents also believe that Mr. Johnson may have assisted Wilford with laundering money derived from the illegal sale of narcotics. As indicated in the BOP's Institutional Referral to CCC Placement Form, Mr. Johnson is listed as the person with whom Wilford will reside while on home confinement. Had the United States Attorney's Office for the District of Maryland been notified, contacted, or consulted about the BOP's referral to home confinement, these troubling issues could have been addressed.

² Wilford purchased the 1500 Cliftview Avenue property with cash in 2005, while he was incarcerated.

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In August 2014, Wilford was sentenced. During sentencing, the court determined that Wilford's applicable advisory guidelines range was 360 months to life, based on the finding that Wilford trafficked no less than 200 kilograms of cocaine and his status as a Career Offender. The court noted that even if Wilford were not a Career Offender, his guidelines would remain at 360 months to life. Judge Hollander sentenced Wilford to 340 months' imprisonment, followed by ten years of supervised release. During sentencing, Judge Hollander stated that the 340-month sentence was appropriate due, in part, because the court could not "separate drug trafficking from violence," and that there is a "tremendous amount of violence associated with drug trafficking." While Wilford was not directly linked to violence during the investigation, the court concluded that "Wilford was insulated from violence due to his power and role" in the Hayes drug trafficking organization. Moreover, Judge Hollander concluded that the 340-month sentence was appropriate because Wilford's third federal drug conviction is "hugely significant because it creates grave concerns on the part of the Court with respect to protecting the public from further crimes of the defendant."

Wilford appealed his judgment to the United States Court of Appeals for the Fourth Circuit, which affirmed the conviction and judgment against him. *See United States v. Wilford*, 689 Fed. Appx. 727 (4th Cir. 2017). He then filed a petition for writ of certiorari to the United States Supreme Court, which was denied on June 28, 2018. *See Wilford v. United States*, 138 S. Ct. 2707 (2018).

On November 13, 2020, Wilford filed a *pro se* "Motion for a Reduction in Sentence Pursuant to the First Step Act and the Changes to the Compassionate Release Statute and 18 U.S.C. § 3582(c)(1)(A)(i)." On July 1, 2022, U.S. District Judge Ellen Hollander granted, in part, the motion for compassionate release and reduced Wilford's sentence to 280 months, again noting his danger to the community and the need to protect the public from Wilford's criminal conduct.

All of the factors discussed above demonstrate Wilford should not have been released to home confinement. Despite Wilford's ineligibility for relief under the CARES Act due to the fact that he had only served a minority of his sentence, the BOP proceeded to seek relief without input or notice to the United States Attorney's Office for the District of Maryland. There is no dispute that Wilford was a major drug kingpin and trafficker, trafficking hundreds of kilograms of cocaine into the Baltimore metropolitan area, even after he had incurred multiple federal convictions for drug trafficking and serving federal sentences with the BOP. If that were not enough, Wilford's release plan includes living with an individual who was prepared to provide false testimony on his behalf. There is no doubt that Wilford remains a danger to the community based on his prior record and conduct. Accordingly, we respectfully request that Wilford's home confinement status be revoked and that he be returned immediately to incarcerated custody with the BOP.

Please contact me at (410) 209-4800 with any questions.

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Very truly yours,

A handwritten signature in blue ink, appearing to read "Erik L. Barron", written over a horizontal line.

Erik L. Barron
United States Attorney


John W. Sippel, Jr.
Assistant United States Attorney

FW: Inmate Richard Wilford, register no. 28670-037 - Ineligibility for home confinement and public safety risk

DiGiacomo, Dana (BOP) [REDACTED]

Tue 5/14/2024 2:32 PM

To: Clark, Christina (BOP) [REDACTED]

 3 attachments (1 MB)

RE: Inmate Richard Wilford, register no. 28670-037; WILFORD - letter to Bureau of Prisons 07.20.2023.pdf;
CARESJUNE23RELEASE WITH TIME CREDITS.xlsx;

From: DiGiacomo, Dana (BOP)

Sent: Tuesday, August 1, 2023 10:13 PM

To: Breshears, Kristie A. (BOP) [REDACTED]

Subject: FW: Inmate Richard Wilford, register no. 28670-037 - Ineligibility for home confinement and public safety risk

Importance: High

Kristie wanted to give you a heads up. This individual was released to home confinement under the CARES Act and has been out approximately a month and a half. He is a three-time drug offender serving a long sentence. The US Attorney is extremely upset about his release and a meeting was held today with myself and Mike Frazier in which additional information was disclosed. We have tabled with Rina and it is my understanding the Director's agrees with the decision to return to custody. Below is a snap-shot of his placement:

- RRM office received referral on 05/10/2023 (cutoff was 05/11/23)
- This individual was on the attached list received by CPD/ORE that both RRMB and the institutions received (see WXRO tab) stating he was eligible.
- The RRM office processed the referral and individual arrived to the community on 06/15/2023.
- The 210 mentions this is an exceptions case due to 1996 IR for threatening bodily harm, however the RRM office did not feel this met the criteria for violence.
- The HCC received the case from the institution, however it was received after the cutoff (05/13/2023) and was not reviewed by HCC (nor did it met the criteria to be reviewed by the HCC).
- The RRM office should of reached out to the AUSA for input due to amount of time remaining on sentence being greater than 5 years (RRMB internal process), however this one slipped through due to last minute influx of referrals.
- Based on the criteria provided under CARES Act – he met the criteria.
- Had RRMB had this information his referral would have been denied. A decision was made last week to allow him to remain since he is programming (doesn't have job yet but reporting to RRC as required).
- However, as of today, 08/01/2023 AUSA (who was also on the call) feels threatened by his presence in the community and states he poses a threat and risk to public safety
- DEA is currently sitting outside his home due to the volume of drugs he was pushing and his role and known status as a drug king pin
- He is currently living with an individual who helped him and provided him with the means to run is drug business instead of requesting a relocation to remain in California to be with his girlfriend and daughter. This individual drove from Baltimore to Terminal Island to pick him up to reside in his home.

I will be traveling tomorrow for a needed vacation but will have my phone, so feel free to reach out to me if you have any questions. I will notify you once he has been picked up by the USMS.

Thanks

USA000484

From: DiGiacomo, Dana (BOP)
Sent: Friday, July 28, 2023 10:21 AM
To: Pistro, Kevin (BOP) [REDACTED]
Subject: FW: Inmate Richard Wilford, register no. 28670-037 - Ineligibility for home confinement and public safety risk
Importance: High

FYI – attached is the email I sent Mr. Sippel (AUSA) along with my attempt to speak with him directly. I have not received a phone call from Mr. Sippel as of today.

From: Barron, EreK (USAMD) [REDACTED]
Sent: Friday, July 28, 2023 10:13 AM
To: Frazier, Michael (BOP) [REDACTED]
Cc: Martinez, Giancarlo (BOP) [REDACTED]; Pistro, Kevin (BOP) [REDACTED]; DiGiacomo, Dana (BOP) [REDACTED]; Selden, Philip (USAMD) [REDACTED]; Medinger, Jason (USAMD) [REDACTED]; Sippel, John (USAMD) [REDACTED]; Clark, Kenneth (USAMD) 3 [REDACTED]; Drumm, Bailey (USAMD) [REDACTED]; Salem, David (USAMD) [REDACTED]
Subject: Inmate Richard Wilford, register no. 28670-037 - Ineligibility for home confinement and public safety risk
Importance: High

Dear Mr. Frazier,

I'm emailing regarding federal inmate Richard Wilford, register no. 28670-037, and requesting a meeting for the week after next or as soon as possible. I am very disappointed in the email response from Dana DiGiacomo to a letter I sent to you about BOP's erroneous home confinement decision. Our District has reason to be alarmed and we would appreciate the opportunity to speak with you directly.

Sincerely,

Erek

Erek L. Barron
United States Attorney
District of Maryland

RE: Inmate Richard Wilford, register no. 28670-037

DiGiacomo, Dana (BOP) [REDACTED]

Thu 7/27/2023 2:14 PM

To: Sippel, John (USAMD) [REDACTED]

I'm available – [REDACTED].

Thanks

Dana

From: Sippel, John (USAMD) [REDACTED]

Sent: Wednesday, July 26, 2023 12:10 PM

To: DiGiacomo, Dana (BOP) [REDACTED]

Subject: Re: Inmate Richard Wilford, register no. 28670-037

Ms. DiGiacomo-

Please let me know when you are available for a phone call regarding your email message.

John Sippel

From: DiGiacomo, Dana (BOP) [REDACTED]

Sent: Tuesday, July 25, 2023 6:33:41 PM

To: Sippel, John (USAMD) [REDACTED]

Subject: FW: Inmate Richard Wilford, register no. 28670-037

Mr. Sippel,

My name is Dana DiGiacomo and I am the Administrator of the Residential Reentry Management Branch within the Reentry Services Division. I am responsible for all individuals serving the remainder of their sentence in community-based programs. Your email and attached letter was forwarded to me to look into.

First-off, my apologies – our RRM office should have reached out to get input regarding this case prior to processing the referral. This was an oversight due to the number of referrals being processed ahead of CARES Act ending. This oversight has been addressed with our team and thank goodness, this process has ended.

Mr. Wilford's case was reviewed and based on the criteria for CARES Act and the information provided to the Baltimore RRM office, it was determined Mr. Wilford met the criteria and was not deemed to be an exceptions case. Mr. Wilford has been in the community (on home confinement) since 6/15/2023. He is being supervised via GPS (ankle monitor) with very limited movement which must be granted by the RRC. Mr. Wilford is reportedly adjusting well to home confinement and actively working with the Employment Specialist in conducting job searches. He has been meeting with his Case Manager and reporting to the facility for his random UAs.

We have shared the AUSA's discontent with his placement with our RRM office and if Mr. Wilford does not follow the rules and regulations of home confinement or his community-based placement agreement, he will be returned to secure custody.

If you have any additional concerns or questions, please do not hesitate to reach out to me.

Thanks

Dana DiGiacomo

[REDACTED] (cell)

USA000486

From: Sippel, John (USAMD) [REDACTED] >
Sent: Thursday, July 20, 2023 4:56 PM
To: Frazier, Michael (BOP) [REDACTED] >
Cc: Martinez, Giancarlo (BOP) [REDACTED]
Subject: Inmate Richard Wilford, register no. 28670-037

Good afternoon, Mr. Frazier –

Attached is a letter from USA Erek Barron regarding federal inmate Richard Wilford, register no. 28670-037.

Thank you,

John

John W. Sippel, Jr.
Assistant United States Attorney
36 S. Charles Street, Fourth Floor
Baltimore, Maryland 21201
[REDACTED]